

Applicant : Don Fishbein
Serial No. : Not Yet Known (Continuation Application of
U.S. Serial No. 10/011,377, filed October
22, 2001)
Filed : Herewith
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REMARKS

This application is a continuation of U.S. Serial No. 10/011,377, filed October 22, 2001, now allowed, which is a continuation of U.S. Serial No. 08/985,734, filed December 5, 1997, now U.S. Patent No. 6,576,659, issued June 10, 2003, which claims priority of U.S. Provisional Application Serial No. 60/032,414, filed December 5, 1996. An Issue Fee was paid in connection with U.S. Serial No. 10/011,377, on February 27, 2004. Accordingly the parent application, U.S. Serial No. 10/011,377, is pending and has not issued as a patent and the subject continuation application is co-pending therewith in fulfillment of the provisions of 35 U.S.C. §120.

By this Preliminary Amendment, applicant has amended the specification to incorporate a reference to the parent application, U.S. Serial No. 10/011,377, filed October 22, 2001, in accordance with 35 U.S.C. §120. Applicants have also canceled claims 3-15 and 17-29 without prejudice to applicants' right to pursue the subject matter of these claims in this or a subsequent application thereby to reduce the filing fee. Accordingly claims 1, 2 and 16 are pending in the subject application.

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INFORMATION DISCLOSURE STATEMENT

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicant directs the Examiner's attention to the following references which are listed on the PTO-1449 form attached hereto as **Exhibit A**.

Copies of the references 1-4 and 8-23 listed below are not being submitted pursuant to 37 C.F.R. § 1.98(d), as the references were previously submitted to or cited by the U.S. Patent Office during the prosecution of U.S. Serial No. 10/011,377, on which the subject application relies upon for the benefit of an earlier filing date under 35 U.S.C. § 120. Copies of references 5-7 are enclosed as **Exhibits 1-3**.

1. U.S. Patent No. 5,461,030, issued October 24, 1995, Lindenbaum ;
2. U.S. Patent No. 3,128,283, issued April 1964, Pappo et al.;
3. U.S. Patent No. 6,090,799, issued July 18, 2000, Berger;
4. U.S. Patent No. 6,576,659, issued June 10, 2003, Fishbein;
5. U.S. Patent No. 6,670,351, issued December 30, 2003, Berger (**Exhibit 1**);
6. U.S. Serial No. 10/011,377, filed October 22, 2001, with a copy of claims as allowed (**Exhibit 2**);
7. U.S. Serial No. 10/052,961, filed January 18, 2002, with a copy of claims as pending (**Exhibit 3**);

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8. Herndon et al., Treatment of Burns, Curr. Probl. Surg., 1987, Volume 2, pp. 347-397.;
9. Wolfe R.R., Nutrition and Metabolism in Burns, In Chernow B. and shoemaker W.C., eds., Critical Care, State of the Art, Fullerton, California, Society of Critical Care Medicine, 1986, Volume 7, pp.19-61, (Chernow & Shoemaker, eds.);
10. Fox et al. (1962), J. Clin. Endocrinol. Metab. 22: 921-924;
11. Karim et al. (1973), Clin. Pharmacol. Ther. 14:862-869;
12. Roubieff et al. (1991), Nutrition Reviews 49(6):163-175;
13. Kopera H. (1985), Acta Endocrinologica, Supplementum 271: 11-18;
14. Garlick et al. In Ballier's Clinical Gastroenterology, Burns ed., Volume 2, Number 4, 1988, pp. 915-940 (Burns, ed.);
15. Haupt et al. (1984), The American Journal of Sports Medicine 12(6):469-484.;
16. Wilson, J.D. in Goodman and Gilman's, The pharmacological Basis of Therapeutics, Eight Edition, Pergamon Press, 1990, pp. 1413-1430.;
17. Demling et al., Current Opinion in Critical Care (1996) 2: 482-491;

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18. Kowalewski et al., Acta Endocrinologica (1970) 64: 541-547
(1974);
19. Marmo et al., Gazzetta Medica Italiana (in Italian) (1974)
133:47-57 - 13a English translation.;
20. Albanese et al., Nutrition Reports International (1970)
1(4):213-242;
21. O'Shea et al., Nutrition Report International
(1970)2(6):351-362;
22. Selye, Exp. Med. Surg., 28(2), 169-78 ABSTRACT ONLY; and
23. Solymoss et al. Toxicol. Appl. Pharmacol., 18(3), 586-92
ABSTRACT ONLY.

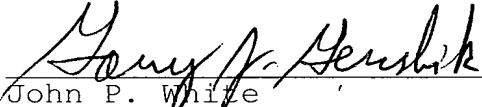
Applicants request that the Examiner review the publications and make them of record in the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites Examiner to telephone at the number provided below.

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No fee, other than the enclosed \$770.00 is deemed necessary in connection with the filing of this Preliminary Amendment and Information Disclosure Statement. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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